

*City of Alexandria, Virginia*21
10-9-01

MEMORANDUM

DATE: OCTOBER 5, 2001

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

FROM: PHILIP SUNDERLAND, CITY MANAGER *PS*

SUBJECT: AN ORDINANCE AMENDING THE CITY CODE TO REQUIRE A HAULING PERMIT FOR CONSTRUCTION SUPPLIES, MATERIALS AND EQUIPMENT

ISSUE: Council consideration of an ordinance amending the City Code to include construction supplies, materials and equipment among the types of materials for which a hauling permit is required.

RECOMMENDATION: That City Council introduce the attached ordinance amending Section 5-2-27 of the City Code to require hauling permits for construction supplies, materials and equipment (Attachment 1), pass it on the first reading, and set it for public hearing, second reading and final passage at the public hearing on October 13, 2001. The amended ordinance would be implemented immediately upon passage.

DISCUSSION: Existing law requires a hauling permit only for waste materials and excavation and fill dirt. The permit requirement applies on streets which have been designated by the city manager. The proposed ordinance applies the prohibition to all streets in the City, unless a permit is obtained from the Director of Transportation and Environmental Services. The proposed ordinance clarifies the authority of the Director of Transportation and Environmental Services to issue hauling permits and to include therein restrictions on the times and routes of hauling. The proposed ordinance also clarifies that hauling is prohibited on all city streets except those that are designated by the Director of Transportation and Environmental Services. Finally, the proposed ordinance establishes a class two misdemeanor penalty, punishable by a fine of not more than \$1,000 and/or six months in jail, for persons who are responsible either for directly hauling material in violation of the ordinance or for indirectly causing material to be hauled to or from a construction or other site in violation of the ordinance.

During the past several months, the City has found the existing ordinance to be inadequate for the regulation of large construction projects. There have been numerous complaints by citizens citing noise, dirt, deviation from the designated route, accidents and traffic violations as problems associated with hauling operations. In addition, there have been repeated instances in which

vehicles hauling materials and equipment have been observed on city streets without having a valid permit.

The substantial level of construction activity underway in the City and expected to continue in the foreseeable future necessitates these additional regulations in order to promote traffic safety and to minimize disturbance to established residential and commercial areas in the City.

FISCAL IMPACT: Administrative costs associated with the issuance of hauling permits are largely offset by the assessment of a \$10.00 fee for each permit. It is not anticipated that additional staff will be required for this program.

ATTACHMENTS:

1. Revised Ordinance amending Section 5-2-27 of the City Code

STAFF: Richard J. Baier, P.E., Transportation and Environmental Services Director
Ignacio B. Pessoa, City Attorney

Introduction and first reading:	10/9/01
Public hearing:	10/13/01
Second reading and enactment:	10/13/01

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 5-2-27 (DESIGNATION OF STREETS UPON WHICH HAULING OF WASTE MATERIALS, ETC., IS PROHIBITED) of Chapter 2 (STREETS AND SIDEWALKS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

Summary

The proposed ordinance amends Section 5-2-27 of the City Code, to include construction supplies, materials and equipment among the types of materials for which a hauling permit is required. Existing law requires such a permit only for waste materials, and excavation and fill dirt, and imposes the permit requirement only on streets which have been designated by the city manager. The proposed ordinance applies the prohibition to all streets in the City, unless a permit is obtained from the director of transportation and environmental services. The proposed ordinance also clarifies the authority of the director of transportation and environmental services to issue hauling permits, and to include therein restrictions on the times and routes of hauling. In addition, the proposed ordinance establishes a class two misdemeanor penalty, punishable by a fine of not more than \$1,000 and/or six months in jail, for persons who are responsible either for directly hauling material in violation of the ordinance, or for indirectly causing material to be hauled to or from a construction or other site in violation of the ordinance. Lastly, the proposed ordinance exempts from the permit requirement hauling five or fewer loads per 30-day period to or from any one construction site, as well as non-commercial hauling to or from a residence, by someone who lives in the residence. The unprecedented level of heavy construction activity presently underway in the City and forecast to commence in the foreseeable future necessitates these additional regulations, in order to promote traffic safety, and to minimize disturbance to established residential and commercial areas in the City.

Sponsor

Staff

Rich Baier, Director of Transportation and Environmental Services
Ignacio B. Pessoa, City Attorney

Authority

§§ 2.04(j), 2.04(m), Alexandria City Charter

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance

None

EXHIBIT NO. 3

21
10-9-01

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 5-2-27 (DESIGNATION OF STREETS UPON WHICH HAULING OF WASTE MATERIALS, ETC., IS PROHIBITED) of Chapter 2 (STREETS AND SIDEWALKS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-2-27 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained to read as follows:

Sec. 5-2-27 ~~Designation of streets upon which~~ Hhauling of waste materials, construction materials, etc., is prohibited.

~~The city manager is hereby authorized to designate any street over which hauling waste materials or dirt is prohibited. It shall be unlawful for any person to haul waste materials or dirt over any street so designated by the city manager.~~

(a) Hauling waste materials of any type, building or construction supplies, materials or equipment of any type, or dirt, debris or fill of any type is prohibited on all streets within the City, except pursuant to a permit issued under subsection (b) of this section, or pursuant to an exemption under subsection (e) of this section.

(b) The director of transportation and environmental services is hereby authorized to issue permits to haul such materials or equipment over the streets within the City, subject to such conditions and restrictions specifying the time and route for such hauling, and such additional conditions and restrictions, as the director may deem appropriate to promote traffic safety and to minimize disruption to established residential, commercial, institutional and other areas in the City.

(c) Any person who, as the owner, lessee, operator or driver of a motor vehicle or trailer, commits, permits, directs, assists in or attempts any violation of this section shall be guilty of a class two misdemeanor.

(d) Any person who, as the owner of any land, building or structure to or from which such materials or equipment are hauled, or the agent thereof having possession or control of such property as employee, lessee, tenant, architect, builder, contractor or otherwise, commits, permits, directs, assists in or attempts any violation of this section shall be guilty of a class two misdemeanor.

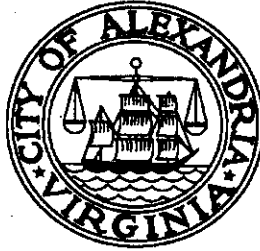
(e) The prohibition set forth in subsection (a) of this section shall not apply to the hauling of such materials or equipment to or from any specific location or site at the rate of five or fewer trips for pickup or delivery of such materials in any consecutive thirty day period, nor to the non-commercial hauling of such materials to or from a dwelling unit, by a resident therein.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 10/9/01
First Reading: 10/9/01
Publication:
Public Hearing:
Second Reading:
Final Passage:

N.B. Underlining is not part of the ordinance but denotes material that is new or amended. Strike-outs or dashes are not part of the ordinance but denote material that is being deleted.



21
10-9-01

Alexandria, Virginia
Office of the City Manager
City Hall 301 King St.
Alexandria, Virginia 22314

NEWS RELEASE

FOR IMMEDIATE RELEASE
October 4, 2001

Media inquiries Barbara Gordon
Public Information Officer, 703.838.5030

**CITY SUSPENDS TRUCK HAULING PERMITS
FOR WOODROW WILSON BRIDGE CONSTRUCTION**

Permits allowing trucks to haul material to and from the Woodrow Wilson Bridge construction site, from Route 1 to Jones Point, were suspended by the City of Alexandria, effective 5 p.m. today (Oct. 4). The trucks have been stopped due to numerous safety violations of the permit conditions regarding the time of day hauling is allowed, noise, hauling routes and oversized vehicles.

The City has informed the contractors they must re-apply for new hauling permits with the condition that the contractor hire an off-duty police officer during regular operating hours to make sure the permit conditions are followed. The City has held many meetings with the contractors over the past few weeks and beginning tomorrow (Friday, Oct. 5) will post a police officer at the Jones Point site to stop or turn around trucks headed for the Wilson Bridge construction site.

This action by the City will not halt construction of the Woodrow Wilson Bridge project. Materials can still be transported to the site by barge on the river. The work at Jones Point is being undertaken by contractors who work for the Maryland State Highway Administration.

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15-18,21
10-9-01

- CITY SEAL -

Public Hearing will be held by the City Council of the City of Alexandria, Virginia, in the Council Chamber, City Hall, City of Alexandria, Virginia, on Saturday, October 13, 2001, at 9:30 a.m., or as soon thereafter as may be heard on the hereinafter described ordinances.

TITLE OF ORDINANCE

AN ORDINANCE to amend Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), of Title 2 (GENERAL GOVERNMENT) of The Code of the City of Alexandria, Virginia, 1981, as amended, by adding thereto a new Article Q (WOODROW WILSON BRIDGE NEIGHBORHOOD TASK FORCE). The proposed ordinance changes the status of the Woodrow Wilson Bridge Neighborhood Task Force, which was initially established on June 27, 2000 by resolution of the City Council, from an ad hoc committee to a standing committee. City Code Section 2-4-8 requires that any committee with a term in excess of one year be established by ordinance as a standing committee. Because of the duration of the Woodrow Wilson Bridge construction project, it is desirable that the task force continue its existence beyond one year. The proposed ordinance makes no changes to the membership or functions of the task force.

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TITLE OF ORDINANCE

AN ORDINANCE making provision for the support of the government of the City of Alexandria, Virginia, and for the payment of municipal expenditures by providing supplemental appropriations of amounts required to defray certain expenditures and liabilities of the city for fiscal year 2002, which began on the first day of July 2001, and ends on the thirteenth day of June 2002. The proposed ordinance makes a supplemental appropriation of funds for the operation of the city government in fiscal year 2002.

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TITLE OF ORDINANCE

AN ORDINANCE authorizing the lessee of the property at 829 South Washington Street to establish and maintain an encroachment for restaurant seating into the public sidewalk right-of-way of 829 South Washington Street, in the City of Alexandria, Virginia. The proposed ordinance permits Perk-Up Coffee Shop to establish and maintain outdoor seating, which may include nine seats at three tables, which will encroach into the public sidewalk right-of-way of 829 South Washington Street, in the City of Alexandria, Virginia.

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TITLE OF ORDINANCE

AN ORDINANCE authorizing the owners of the property at 307 Wolfe Street to establish and maintain an encroachment for window wells into the public sidewalk right-of-way of 307 Wolfe Street, in the City of Alexandria, Virginia.

The proposed ordinance permits the owners of the dwelling at 307 Wolfe Street, in the City of Alexandria, to establish and maintain two window wells, which will encroach into the public sidewalk right-of-way at 307 Wolfe Street.

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AN ORDINANCE to amend and reordain Section 5-2-27 (DESIGNATION OF STREETS UPON WHICH HAULING OF WASTE MATERIALS, ETC., IS PROHIBITED) of Chapter 2 (STREETS AND SIDEWALKS), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

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THE PUBLIC IS ADVISED THAT AMENDMENTS OR ADDITIONS MAY BE MADE TO PROPOSED ORDINANCES WITHOUT FURTHER PUBLICATION. IT IS RECOMMENDED THAT PERSONS INTERESTED IN ANY OF THESE ORDINANCES OBTAIN FREE FULL-TEXT COPIES FROM THE CITY CLERK AT CITY HALL. BEVERLY I. JETT, CMC, CITY CLERK

To be published in the:

Alexandria Journal on Thursday, October 11, 2001

Alexandria Gazette Packet on Thursday, October 11, 2001